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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,704	05/23/2001	Lakshmi Arunachalam	PA5040US	1786
22830	7590	06/22/2010		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2451	
			MAIL DATE	DELIVERY MODE
			06/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/863,704

Applicant(s)

ARUNACHALAM, LAKSHMI

Examiner

HASSAN PHILLIPS

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 78-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 78-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 2/6/10, 1/7/10

DETAILED ACTION

1. This action is in response to communications filed March 31, 2010. In the amendments, Applicant has cancelled claims 28-37, 118-126, 128, and 129. Claims 78-117 are currently pending.

Information Disclosure Statement

2. The information disclosure statement(s) (IDS) filed February 8, 2010 and January 7, 2010, have been received by the examiner. All references were considered except for 60208057 – Krichilsky. This reference apparently has an incorrect document identifier.

3. In the previous action the examiner requested applicant to provide an IDS to replace the IDS filed June 29, 2009, eliminating clearly irrelevant and marginally pertinent cumulative information, furthermore highlighting those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. Applicant declined the examiners request. The examiner therefore submits that the large IDS filed by applicant on January 7, 2010 has been considered ***as best as possible***.

Response to Arguments

4. Applicant's arguments filed March 31, 2010 have been fully considered but they are not persuasive. Applicant amended the claimed invention so that only claims

which were previously indicated as being allowable remained. Upon further review, the examiner submits when giving broadest reasonable interpretation to the claimed invention, the claims fail to distinguish over the cited art.

5. For example, it was previously indicated that claims 78-117 were allowable over the prior art because the prior art failed to expressly disclose a handoff from one server to a second server where the user is placed into communication directly with the second server to allow settling of an account. The claims similarly recite, however, "a switching component that temporarily switches the user from the first server to the second server to allow settling of the account wherein the user directly communicates with the payment program on the second server". In giving broadest reasonable interpretation to the claim language the examiner submits this "switching component" could simply be interpreted as a mouse used by a user to switch from one website to another as was known in the art, (see applicant's specification, pg. 4, par. 0007).

6. A call was made to Tam Pham (50,565) on June 9, 2010 to make further amendments to the claimed invention, and to clarify possible 112, 1st issues. No response has been received.

7. Accordingly, the indicated allowability of claims 78-117 is withdrawn and applicant's arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 78, 87, 93, 99, and 108 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims similarly recite, “a switching component that temporarily switches the user from the first server to the second server to allow settling of the account wherein the user ***directly*** communicates with the payment program on the second server”. After a careful review of the specification the examiner could not find such a switching component that switches the user to allow direct communication. Instead, it appears there is an intermediate device (i.e. 350) that switches the user and allows the user to communicate with a second server, (see applicant's specification pg. 11, par. 0051, and pg. 13, par. 0054).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 78-81, 83, 84, 86-89, 91-95, 97-106, 108-111, 113-115, 117, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al. (hereinafter Lawlor), U.S. Patent 5,870,724 in view of Applicant's Admitted Prior Art (AAPA), (see applicant's disclosure pg.'s 3-5).

12. In considering claim 78, Lawlor discloses a real-time online, two-way transaction system running on at least one processor and operating on the Internet, the system comprising: a context manager (i.e. 80) executing on a first server (52) supporting a first menu page on the Internet, the context manager allowing access by a user (i.e. 54) to a plurality of possible transactions from a plurality of sellers (i.e. wholesalers, payees, marketers, etc.), (col. 18, lines 35-50, col. 31, lines 60-col. 32, line 15, also see col. 20, lines 45-55 and Fig. 1); a user transaction manager (i.e. 80) allowing the user to enter into a first transaction using a second menu page, (col. 31, line 60-col. 32, line 15, also see Fig. 1); an account settling manager (i.e. 80) allowing the user to communicate with a payment program running on a second server (i.e. Direct Payee Computer 80) remote from the first server, wherein the user can settle an account relating to the first transaction, (col. 31, line 60-col. 32, line 15, also see Fig. 1); a switching component (i.e. 80) that temporarily switches the user from the first server to the second server to allow settling of the account, (col. 32, lines 42-61, also see Fig.

1); a communication module (i.e. 54) allowing the user to communicate with at least one of the sellers by electronic mail, (col. 10, lines 25-28, also see Fig. 1).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the payment program on the second server.

Nevertheless, the Internet comprising the World Wide Web, and a menu page comprising a web page, and a user directly communicating with a payment program on a second server was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), and a menu page comprising a web page (160), (pg. 4, par. 0007), and a user switching to a second server, wherein the user directly communicates with a payment program on the second server, (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the payment program on the second server. As was known in the art, this would have advantageously allowed for the user to easily browse the transactional services provided on a web page, and to access corresponding servers by selecting different services provided by the web page, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

13. In considering claims 79 and 109, Lawlor discloses wherein the switching component switches the user back from the second server to the first server when the account is settled, (col. 33, lines 49-58, col. 34, lines 1-3).

14. In considering claims 80 and 110, the modified teachings of Lawlor suggest wherein the content manager also provides web advertising, (col. 22, lines 61-64). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

15. In considering claims 81 and 111, the modified teachings of Lawlor further suggest a routine that redirects a user to a web page supported by a merchant running on a third server that offers additional possible transactions not visible on a web page on the first server, (col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

16. In considering claims 83, 97, and 113, Lawlor discloses a component that rates a user based on past transactions by that user, (col. 31, lines 11-15).

17. In considering claim 84, the modified teachings of Lawlor suggest wherein said user transaction manager allows the user to enter into a second transaction on a third web page, and wherein said user simultaneously settles the account for both the

first and second transactions, (col. 7, lines 1-4, col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

18. In considering claims 86 and 91, the modified teachings of Lawlor suggest wherein the second web page contains a link to at least one other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

19. In considering claim 87, Lawlor discloses a method of permitting a real-time online transaction by a user with at least one computing device on the Internet, the method comprising: presenting a first menu page from a first server (i.e. 52) allowing a user to choose a transaction from a plurality of possible transactions, (col. 31, lines 60-col. 32, also see Fig. 1); presenting a second menu page allowing the user to display the second menu page on the computing device and to interactively enter into the transaction with a particular seller (i.e. wholesaler, payee, marketer, etc.), (col. 18, lines 35-50, col. 31, lines 60-col. 32); switching the user from said first server to a payment server (i.e. 64, 72, 80, etc.) remote from the first server allowing the user to interactively settle the transaction, (col. 32, lines 42-62, also see Fig. 1); allowing the user to communicate by electronic mail with the seller, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web,

the menu page comprising a web page, and the user directly communicating with the payment program on the second server.

Nevertheless, the Internet comprising the World Wide Web, and a menu page comprising a web page, and a user directly communicating with a payment program on a second server was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), and a menu page comprising a web page (160), (pg. 4, par. 0007), and a user switching to a second server, wherein the user directly communicates with a payment program on the second server, (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the payment program on the second server. As was known in the art, this would have advantageously allowed for the user to easily browse the transactional services provided on a web page, and to access corresponding servers by selecting different services provided by the web page, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

20. In considering claim 88, Lawlor further discloses the step of switching the user back from the payment server to the first server when the transaction is settled, (col. 33, lines 49-58, col. 34, lines 1-3).

21. In considering claim 89, the modified teachings of Lawlor further suggest the step of presenting a second web page allowing the user to interactively enter into a second transaction with a different particular seller, and wherein the user interactively and simultaneously settles both transactions, (col. 7, lines 1-4, col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 87.

22. In considering claim 92, the modified teachings of Lawlor suggest wherein the first web page contains a link to at least one other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 78.

23. In considering claim 93, Lawlor discloses a system running on at least one processor for paying bills on the Internet, the system comprising: a transaction manager system (i.e. 80) running on a first server (i.e. 52) presenting a first menu page on the Internet allowing a buyer (i.e. 54) to choose a category of bill, (col. 31, lines 60-col. 32 line 15, also see col. 20, lines 45-55 and Fig. 1); a bill presentation system (i.e. 52) for presenting a plurality of bills to be paid in the category on a second menu page, (col. 31, line 60-col. 32, line 15); a bill presentation system (i.e. 52) for presenting information about a particular bill to the buyer and information about a seller of merchandise/service related to the bill on a third menu page, (col. 31, line 60-col. 32, line 15); a switching component (i.e. 80) providing content (i.e. bank information) to the buyer from a

financing service (i.e. bank service), the content being located on a server (i.e. 64) remote from the first server, the switching component routing a quote from the financing service to the buyer, (col. 34, lines 4-27, also see Fig. 1); a payment component (i.e. 80) allowing the buyer to pay said particular bill from the seller obtaining financing from the financing service, (col. 31, line 64-col. 32, line 15, also see col. 34, lines 4-27 and Fig. 1); a communications component (i.e. 54) allowing the buyer to communicate with the seller by electronic mail, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: paying bills comprising purchasing a vehicle, the Internet comprising the World Wide Web, the menu page comprising a web page, and the buyer directly communicating with the financing service.

Nevertheless, paying bills comprising purchasing a vehicle, the Internet comprising the World Wide Web, and a menu page comprising a web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), a user purchasing a vehicle from the World Wide Web (pg. 3, par.'s 0005, 0006), a menu comprising a web page (160), (pg. 4, par. 0007), and a user switching to a second server, wherein the user directly communicates with a payment program on the second server, (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose paying bills comprising purchasing a vehicle, the Internet comprising the World Wide Web, the menu page comprising a web page,

and the buyer directly communicating with the financing service. As was known in the art, this would have advantageously allowed for the user to easily browse the services involved with purchasing a vehicle provided on a car dealers web page, and to access corresponding servers by selecting different services provided by the web page (AAPA, pg. 3, par.'s 0004-0006, pg. 4, par.'s 0007, 0008).

24. In considering claim 94, the modified teachings of Lawlor suggest wherein the financing service provides online approval for the financing, (col. 34, lines 14-27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 93.

25. In considering claim 95, Lawlor discloses the switching component provides the financing service with information concerning the buyer, (col. 34, lines 4-27).

26. In considering claim 98, the modified teachings of Lawlor suggest wherein the third web page contains a link to at least one other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 93.

27. In considering claim 99, Lawlor discloses a system running on at least one processor for creating an online merchant, the system comprising: a content manager (i.e. 80) running on a first server (i.e. 52) presenting a menu page on the Internet and

allowing a user (i.e. 54) to choose a category of services from a plurality of categories, (col. 31, lines 60-col. 32 line 15, also see col. 20, lines 45-55 and Fig. 1); the content manager also allowing a merchant to present a plurality of bill payment selections on a merchant menu page, wherein the bill payment selections belong to at least one of said categories, (col. 31, lines 60-col. 32 line 15); the content manager also allowing a user (i.e. 54) to select one of the categories and switching the user to the merchant menu page upon selection of a particular category, (col. 31, lines 60-col. 32 line 15); a transaction manager (i.e. 80) allowing the user to enter into a real-time transaction with the merchant with respect to a first particular bill payment, (col. 33, lines 36-58); and wherein the transaction manager switches the user to content from a menu page provided by a transaction settlement service running on a second server (i.e. 64) remote from said first server, wherein the user can settle the transaction, (col. 33, lines 36-58, also see col. 34, lines 4-27 and Fig. 1); a mail service module (i.e. 54) that allows the user to communicate with the merchant by electronic mail, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: paying bills comprising a merchandise transaction, the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the transaction settlement service.

Nevertheless, paying bills comprising a merchandise transaction, the Internet comprising the World Wide Web, a menu page comprising a web page, and a user directly communicating with a transaction settlement service, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA

discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), a user purchasing a vehicle from the World Wide Web (pg. 3, par.'s 0005, 0006), a menu comprising a web page (160), (pg. 4, par. 0007), and a user switching to a second server, wherein the user directly communicates with a payment program on the second server, (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose paying bills comprising a merchandise transaction, the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the transaction settlement service. As was known in the art, this would have advantageously allowed for the user to easily browse the services involved with purchasing merchandise provided on a web page, (AAPA, pg. 3, par.'s 0004-0006, pg. 4, par.'s 0007, 0008).

28. In considering claims 100 and 114, Lawlor further discloses a feedback module providing feedback concerning the merchant to the user (e.g. a feedback module is inherent in the server associated with the merchant that directs "a sales response at the interested customer"), (col. 31, lines 16-23).

29. In considering claims 101 and 115, Lawlor discloses a feedback module providing feedback concerning the user to the merchant., (col. 31, lines 11-15).

30. In considering claim 102, the modified teachings of Lawlor suggest placing advertising on the first web page, (col. 31, lines 11-15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

31. In considering claim 103, the modified teachings of Lawlor suggest placing advertising on the merchant web page, (col. 31, lines 11-15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

32. In considering claim 104, the modified teachings of Lawlor suggest wherein the transaction manager switches the user from a transaction web page for a single product to the merchant web page, (col. 33, line 36-col. 34, line 27). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

33. In considering claim 105, the modified teachings of Lawlor suggest wherein the first web page contains a link to the merchant web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

34. In considering claim 106, the modified teachings of Lawlor suggest wherein the content manager allows the user to select a second category of merchandise and the transaction manager allows the user to enter into a real-time transaction for a second particular piece of merchandise different from the first particular piece of merchandise and wherein the settlement service allows the user to settle an account for both the first and second particular piece of merchandise simultaneously, (col. 34, lines 14-27, also see col. 7, lines 1-4). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 99.

35. In considering claim 108, Lawlor discloses a real-time online, two-way transaction system running on at least one processor and operating on the Internet, the system comprising: a content manager (i.e. 80) executing on a first server (i.e. 52) supporting a first menu page on the Internet, the content manager allowing access by a user (i.e. 54) to a plurality of possible transactions from a plurality of sellers, (i.e. wholesalers, payees, marketers, etc.), (col. 18, lines 35-50, col. 31, lines 60-col. 32 line 15, also see col. 20, lines 45-55 and Fig. 1); a user transaction manager (i.e. 80) allowing the user to enter into a first real-time transaction using a second menu page, the user transaction manager also allowing the user to enter into a second real-time transaction using a third menu page, (col. 31, lines 60-col. 32 line 15, col. 33, lines 36-58, col. 34, lines 4-27, also see Fig. 1); an account settling manager (i.e. 80) allowing the user to communicate with a payment program running on a second server (i.e. 64) remote from the first server, wherein the user can settle an account relating to the first

transaction and the second transaction simultaneously, (col. 33, lines 36-58, also see col. 34, lines 4-27, col. 7, lines 1-4, and Fig. 1); a switching component (i.e. 80) that temporarily switches the user from said first server to the second server to allow settling of the account, (col. 33, lines 36-58); a communication module (i.e. 54) allowing the user to communicate with at least one of the sellers by electronic mail, (col. 10, lines 25-28).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the payment program on the second server.

Nevertheless, the Internet comprising the World Wide Web, and a menu page comprising a web page, and a user directly communicating with a payment program on a second server was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses the Internet comprising the World Wide Web (pg. 3, par. 0004), and a menu page comprising a web page (160), (pg. 4, par. 0007), and a user switching to a second server, wherein the user directly communicates with a payment program on the second server, (pg. 4, par. 0007).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the Internet comprising the World Wide Web, the menu page comprising a web page, and the user directly communicating with the payment program on the second server. As was known in the art, this would have advantageously allowed for the user to easily browse the transactional services

provided on a web page, and to access corresponding servers by selecting different services provided by the web page, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

36. In considering claim 117, the modified teachings of Lawlor suggest wherein either the second or the third web page contains a link to some other web page, (col. 31, line 60-col. 32, line 15). One of ordinary skill in the art would combine the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 108.

37. Claims 82, 96, 112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of AAPA and further in view of Official Notice.

38. In considering claims 82, 96, and 112, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: a component that rates a merchant/seller based on past transactions by that merchant.

Nevertheless, examiner takes official notice that providing a component that rates a merchant/seller based on past transactions by that merchant/seller were well known in the art.

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor to disclose providing a component that rates a merchant/seller based on past transactions by that merchant/seller. As was known in the art, this would have provided valuable data for potential future customers of the merchant/seller to use

to decide whether or not they would like to perform transactions with the merchant/seller.

39. Claims 85, 90, 107, 116, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of AAPA and further in view of Krichilsky et al. (hereinafter Krichilsky), U.S. Patent Pub. No. 2002/0152200.

40. In considering claims 85, 107, and 116, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: a merchandise manager tracking a particular category of merchandise for a particular user, the merchandise manager sending a message to a user when said particular category of merchandise is available.

Nevertheless, in analogous teachings Krichilsky discloses a merchandise manager (i.e. 208) tracking a particular category of merchandise for a particular user (i.e. 202, 204), said merchandise manager sending a message to a user when said particular category of merchandise is available, (pg. 3, par. 0036, 0037).

Thus, given the teachings of Krichilsky, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor to disclose a merchandise manager tracking a particular category of merchandise for a particular user, said merchandise manager sending a message to a user when said particular category of merchandise is available. This would have advantageously reduced the amount of time

the particular user waits to purchase/receive the merchandise by notifying the user as soon as the merchandise becomes available, (Krichilsky, pg. 3, par. 0036).

41. In considering claim 90, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: notifying a user when a particular item of merchandise is available.

Nevertheless, in analogous teachings Krichilsky discloses a merchandise manager (i.e. 208) tracking a particular category of merchandise for a particular user (i.e. 202, 204), said merchandise manager sending a message to a user when said particular category of merchandise is available, (pg. 3, par. 0036, 0037).

Thus, given the teachings of Krichilsky, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor to disclose notifying a user when a particular item of merchandise is available. This would have advantageously reduced the amount of time the particular user waits to purchase/receive the merchandise by notifying the user as soon as the merchandise becomes available, (Krichilsky, pg. 3, par. 0036).

Allowable Subject Matter

42. In the phone call made to Tam Pham on June 9, 2010, the examiner expressed that amendments made to the claims such as indicating which server the second web page is supported by in claim 78, together with clarification of how the switching component allows the user to communicate with the payment program in

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claim 78 or indicating where currently claimed teachings are supported in the specification, would further advance prosecution and possibly place the current claims into condition for allowance.

Conclusion

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASSAN PHILLIPS whose telephone number is (571)272-3940. The examiner can normally be reached on M-F 9a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/HASSAN PHILLIPS/
Primary Examiner, Art Unit 2451